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JUL 17 2007

REMARKS

This is in response to the Official letter dated January 17, 2007.

Claim Rejections – 35 USC § 103(a)

The Examiner rejected claims 1-3 as being obvious in view of non-patent reference **KnightRidder.com Now Offers Online Ticket Marketplace on BayArea.com**, (PR Newswire New York, May 22, 2001, page 1) (hereinafter "KnightRidder") taken together with Official Notice of allegedly industry accepted practices of providing delivery services for purchased tickets, reverse auction format, and credit card deposits and payments.

As indicated above, new claims 4-15 have been added to define further embodiments of the present invention.

The Examiner's comments have been carefully considered. However, the obviousness rejection of the claims is traversed with all due respect for the reasons as discussed below.

The Examiner relies on KnightRidder as teaching displaying to the buyer any offers to sell currently posted by potential sellers of the desired number of tickets in the desired price zone, the display including a selling price for the tickets corresponding to each offer to sell; determining from the buyer whether the buyer wishes to accept one of the currently posted offers to sell or to post an offer to buy the desired number of tickets at a specified price.

The Examiner acknowledges that KnightRidder fails to teach the display including a specified selling price and a courier pickup fee corresponding to each offer to buy. The Examiner takes Official Notice that it is well known to those skilled in the art of ticket scalping to provide for delivery services for purchased tickets.

With all due respect, it is submitted that the requirements for taking Official Notice have not been satisfied. MPEP Section 2144.03 sets forth the procedures for relying on common knowledge or taking Official Notice. It finds not to be appropriate to take Official Notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. If Official Notice is taken of a fact, unsupported by documentary evidence, the technical line of reasoning underlying a decision to take such Notice must be clear and unmistakable. MPEP Section 2144.03(B). In conclusion, the MPEP states:

Furthermore, ...any facts so noticed should be of notorious character and serve only to "fill in the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon a rejection is based. (citations omitted) (emphasis added)

MPEP 2144.03(E).

Should it be determined that the Official Notice taken satisfies the requirements of MPEP, it is submitted that the teaching of delivery services for purchased tickets does not teach the deficiencies of KnightRidder. The delivery service according to the present invention comprises pickup of the ticket(s) from the seller and delivery to a location (e.g. ticket or box office) for the entity associated with the event, for example, as recited in claims 1, 2, 5 and 6. According to another aspect, for example, as recited in claims 9 and 10, the delivered ticket is validated before being held for pickup by the buyer, for example, at "will call". It will be appreciated that this arrangement is unlike what happens in "ticket scalping". Moreover, this arrangement serves to address a major concern with "ticket scalping", namely, the sale of fraudulent tickets. In addition, it provides the purchaser with the confidence that the ticket(s) will be at the arena and there is no need for the purchase to wait for a courier delivery.

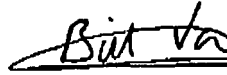
The Examiner also takes Official Notice that it is well known to adopt credit card deposits and payment in the art to electronic commerce. According to the provisions of MPEP as discussed above, the Examiner is requested to substantiate the Official Notice.

Should it be determined that the Official Notice taken satisfies the requirements of MPEP, it is submitted that the teaching of credit card deposits and payment still does not teach the deficiencies of KnightRidder. The payment transaction according to the present invention, for example, as recited in independent claims 1, 2 and 4, comprises a payment to the seller and a payment to the entity that originally issued the ticket, for example, a professional sports team. According to one aspect, the transaction model provides a revenue sharing mechanism, i.e. the entity shares in the revenue derived from the reselling of the ticket. This in turn can serve to enhance the brand of the entity (e.g. team or event) particularly if the present invention is operated with or in conjunction with the entity's website, for example, as defined by claim 15.

In view these of these distinguishing and recited features, it is submitted that there is no motivation for one skilled in the art to combine or modify KnightRidder as suggested by the Examiner. Furthermore, even if one skilled in the art were to combine KnightRidder as suggested by the Examiner, the resulting method would not be the same as that claimed in independent claims 1, 2 and 4. Since the remaining claims depend either directly, or indirectly, from claim 4, it is submitted that the dependent claims are also not obvious for the same reasons.

In view of the foregoing, it is submitted that the subject application is in condition for allowance and favorable reconsideration is respectfully requested. If it is believed that a telephone interview would advance prosecution of the present application and obviate the need for an appeal or other continuation proceeding, the Examiner is invited to telephone, collect if necessary, the Applicant's representative Bill Vass at (416) 777-7490.

Respectfully submitted,
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